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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,447	01/16/2001	Andrew Rodney Ferlitsch	8371-114	5258
20575	7590	01/25/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			EXAMINER CARTER, TIA A	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/761,447	<b>Applicant(s)</b> FERLITSCH ET AL.	
	<b>Examiner</b> Tia A Carter	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10-06-2004 have been fully considered but they are not persuasive. The applicant cites on page 6 of the remarks that "the fax service of Matsumoto is not a centralized fax service used for fax transactions, it is a support service used to update software for fax machines registered. Also, users do not use the service to participate in fax transactions. The service is used to update the software application, not actually participate in fax transactions". Examiner clearly disagrees with Applicant wherein Matsumoto et al. disclose in column 2, lines 35-44 that the facsimile machine is provided with a variety of functions, which becomes available via the software application downloaded therein. Clearly disclosed in column 9, lines 58-65 teaches that upon activation of the personal computer the facsimile transaction information is transferred and stored in the pc-2 from the facsimile device-1. The user/customer does participate in facsimile transactions as cited in column 10, lines 16-34. The user is also registered as disclosed in column 7, lines 10-19). It is very clear that the prior art uses an application software to permit various functions capable of the fax device -1 wherein allowing the fax transactions completion via the personal computer-2 as disclosed throughout the abstract and the specification of Matsumoto et al. (US. 6373598)

Applicant cites on page 7 of remarks that Bloomfield has no centralized, user-registered fax service and the information collected is not by the fax service. Bloomfield discloses a fax-server communication 110 which is capable of fax communication as disclosed in column 5, lines 63-67 and column 6, lines 1-17) which performs the same functions as the fax service disclosed in the present invention. Also, column 6, lines 47-65 disclose user verification process wherein the fax-server 110 monitor fax/data communication. Examiner extends an offer of a personal interview to applicant's representative if Applicant wishes to discuss the novelty of the present invention in light of the prior art made record of and applied against the present invention.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 and 17 -19 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (US. 6373598).

Regarding claim 1, Matsumoto et al. discloses a method of fax transmission across a network, the method comprising:

A) activating a fax system of a user (fig. 5, col. 7, lines 28-35)

- B) activating a user-registered, centralized fax service, wherein the fax system establishes communication with the fax system establishes communication with the fax service across a network (fig. 5, col. 7, lines 31-43) and transmits information about user to the fax service (Fig. 8, col. 9, lines 58-65);
- C) participating in any fax transaction as desired by the user using the fax service (fig. 5, col. 7, lines 58-67 and col. 10, lines 1-34));
- D) deactivating the fax system, wherein the fax system and the fax service terminate communication (fig. 5, col. 7, lines 51-54).

Regarding claim 2, Matsumoto et al. discloses the method of claim 1 wherein participation in any fax transactions further comprises establishes peer-to-peer connections between service subscribers and the fax system (fig 4, col. 5, lines 51-56).

Regarding claim 3, Matsumoto et al. discloses the method of claim 1 wherein participation in any fax transaction further comprises interaction with the fax service for any transmission and any reception of faxes through the fax service (fig. 8, col. 10, lines 16-34).

Regarding claim 4, Matsumoto et al. discloses the method of claim 1, wherein activation of the fax system further comprises launching a software program on a computer of the user (fig. 5, col. 7, lines 44-49).



Regarding claim 5, Matsumoto et al. discloses the method of claim 1 wherein activation of the fax system further comprises launching a software program in firmware in a fax device (fig. 5, col. 7, lines 55-63).

Regarding claim 6, Matsumoto et al. discloses the method of claim 5 wherein in the fax device is one of the group comprised of: a computer (2), a fax system (1 and 9) and a modem (11) (fig. 1, col. 4, lines 3-9 and line 35).

Regarding claim 7, Matsumoto et al. discloses the method of claim 2 wherein the computer is one of the group comprised of: a personal computer with a modem (fig. 4, col. 4, lines 23-26), a telephone (see fig. 1), a server, a network, and wireless network device.

Regarding claim 8, Matsumoto et al. discloses the method of claim 1 wherein activating a fax service includes connecting the fax system to the network (fig. 5, col. 7, lines 29-43).

Regarding claim 9, Matsumoto et al. discloses the method of claim 1 wherein deactivating the fax system further comprises terminating communication with the fax system across the network (fig. 5, col. 7, lines 51-54).

Regarding claim 10, Matsumoto et al. discloses the method of claim 1 wherein deactivating the fax system further comprises terminating a network connection between the fax system and the network (fig. 5, col.7, lines 51-54).

Regarding claim 17, Matsumoto et al. discloses the a computer-readable medium including software code that (fig. 2, col. 4, lines 46-50), when executed, results in:

- a) activation of a fax system on a computer (fig. 5, col. 7, lines 28-35);
- b) interaction between a user and the fax system (fig. 5, col. 7, lines 34-45);
- c) connection between the fax system and a centralized, user-registered fax service across a network (fig. 5, col. 7, lines 29-33); and
- d) participation of the fax system in fax transactions utilizing the fax service (fig. 5, col. 7, lines 58-67 and col. 10, lines 1-34)).

Regarding claim 18, Matsumoto et al. discloses the medium of claim 17, wherein utilization of the fax service further comprising using the fax service to locate users with whom transaction are desired (fig. 1, col. 4, lines 55-67 and col. 5, lines 1-10).

Regarding claim 19, Matsumoto et al. discloses the medium of claim 17, wherein utilization of the fax service further comprises reception and transmission of any faxes through the fax service (fig. 2, col. 5, lines 51-56).

3. Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloomfield (US. 6025931).

Regarding claim 11, Bloomfield discloses a method of sending faxes across a network, the method comprising:

- a) issuing a send command from a fax system to a centralized, user-registered fax service (fig. 9b, col. 16, lines 30-33);
- b) collecting information about a fax recipient at the fax service (fig. 9b, col. 16, lines 33-39);
- c) determining if the recipient is registered with the fax service, wherein an alternative method to the fax service is used if the recipient is not registered (9b, col. 16, lines 39-59);
- d) if the recipient is registered with the fax service, determining if the recipient is active, wherein the fax is sent directly to the recipient if the recipient is active (fig. 2, col. 6, lines 47-67) ;
- e) if the recipient is not active, determining a preferred delivery method for the recipient (fig. 11a, col. 17, lines 1-16); and
- f) sending the fax by preferred delivery method (fig. 11a, col. 18, lines 41-56).



Regarding claim 12, Bloomfield discloses the method of claim 11, wherein the alternative method further comprises:

- a) determining if a fax service relay local to the recipient exists (fig. 2, col. 6, lines 47-62); and
- b) delivering the fax through the public switched telephone network, wherein the fax is delivered by a local call if a fax service relay local to the recipient exist (fig. 2, col. 6, lines 62-67).

Regarding claim 13, Bloomfield discloses the method of claim 11, wherein the preferred delivery method is delivery by telephone and the fax is sent through the public switched telephone network (fig. 1, col. 4, lines 1-31).

Regarding claim 14, Bloomfield discloses the method claim 11, wherein the preferred delivery method is delivery by e-mail and the fax converted into an attachable format and sent by e-mail (fig. 2, col. 6, lines 63-67 and col. 7, lines 1-7).

Regarding claim 15, Bloomfield discloses the method of claim 11, wherein the preferred delivery method is delivery by store forward and fax is transferred to the fax service and held until the recipient becomes active and then delivered (fig. 9a, col. 14, lines 24-56).

Regarding claim 16, Bloomfield discloses the method of claim 11, wherein the preferred delivery method is to have the recipient reconnect to the network to receive the fax and the method to reconnect comprises:

- a) establishing a second connection between the fax system and a fax number of the recipient through the public switched telephone network (fig. 11a-c, col. 17 lines 27-53);
- b) transmitting a connect message through the second connection from the fax system to the fax number of the recipient (fig. 11, col. 18 lines 41-56)
- c) disconnecting from the second connection upon connection of the recipient fax system to the fax service through network (fig. 11, col. 18, lines 57-67).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alexander et al. (US. 6798767), Davis et al. (US. 6700955) and Wadsworth (US. 57245555) are cited to show related art with respect to facsimile transmission via network.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAC  
1/17/2005

Tia A Carter  
Examiner  
Art Unit 2626